ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	2.0	Pima	5.2
Gila	0	Pinal	9.6
Graham	1.6	Santa Cruz	0
Maricopa	22.8	Yuma	2.4

CALIFORNIA

Imperial	.7	Riverside	5.0

FLORIDA

Alachua	0	Marion	0
Bradford	.4	Putnam	0
Hamilton	0	Sumter	4.9
Jefferson	0	Suwannee	0
Lake	0	Union	.1
Madison	0		

GEORGIA

Berrien	13.9	Cook	0

NEW MEXICO

Chaves	4.2	Luna	1.2
Dona Ana	34.6	Otero	0
Eddy	5.4	Sierra	19.7
Hidalgo	.6		

TEXAS

Brewster	0	Pecos	1.9
Culberson	2.0	Presidio	.1
El Paso	15.6	Reeves	.7
Hudspeth	4.2	Ward	0
Loving	0		

Area	Area reserve (acres)
PUERTO RICO	
North	11.2

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 3, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-13131; Filed, Dec. 7, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 88, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (iii), and (iv) of § 907.388 (Navel Orange Regulation 88, 30 F.R. 14730) are hereby amended to read as follows:

§ 907.388 Navel Orange Regulation 88.

* * * * *

(b) *Order.* * * *

(1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13094; Filed, Dec. 7, 1965; 8:45 a.m.]

[Navel Orange Reg. 90]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.390 Navel Orange Regulation 90.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., October 31, 1966, no handler shall handle any navel oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13133; Filed, Dec. 7, 1965; 8:48 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1966, to be effective under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, October 16, 1965 (30 F.R. 13235). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Lettuce Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

§ 971.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1965, through July 31, 1966, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $18,235.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of the marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on August 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable lettuce beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 2, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13095; Filed, Dec. 7, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1464; Amdt. No. 137-1]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Expansion of Grandfather Provisions

The purpose of this amendment is to make the knowledge and skill and continuance of existing authority ("grandfather") privileges provided in Part 137 for holders of certificates of waiver also available to operators and pilots who can substantiate that they have, within the 12 months immediately preceding the effective date of Part 137, conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations, without a certificate of waiver.

The Helicopter Association of America pointed out in a letter to the Agency, that since most agricultural operations with helicopters can be conducted within the regulations, many operators and pilots engaged in these operations without certificates of waiver. Thus, as Part 137 is presently written, the lack of a waiver would make these operators and pilots ineligible for the "grandfather" privileges that this Part provides for waiver holders. As it was the intent of Part 137 to exempt persons who have engaged in agricultural aircraft operations in compliance with Federal Aviation Regulations, from the knowedge and skill requirements of § 137.19(e) and to grant them a continuance of their existing authority, the fact that some of these operators or pilots do not possess a waiver should not prevent them from qualifying for the "grandfather" privileges.

Since these amendments are minor in nature and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, effective January 1, 1966, Part 137 of the Federal Aviation Regulations is amended as follows:

1. Section 137.13 is amended to read as follows:

§ 137.13 Continuance of existing authority.

Any person conducting agricultural aircraft operations under a certificate of waiver issued by the Administrator that is in effect on December 31, 1965, or any person who can substantiate that he has conducted agricultural aircraft operations in compliance with Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966, may continue to operate, if he applies for an agricultural aircraft operator certificate before January 1, 1966. Unless the operating authority is sooner suspended or revoked, this extension of authority terminates when he is given notice of final action on his application.

§ 137.19 [Amended]

2. The second sentence of § 137.19(e) is amended to read as follows: "However an applicant need not comply with this paragraph if, at the time he applies for an agricultural aircraft operator certificate, he holds a current certificate of waiver for conducting agricultural aircraft operations or the person who is to supervise agricultural aircraft operations for him holds such a certificate, or if he or that supervisor can substantiate that either of them has conducted agricultural aircraft operations in compliance with the Federal Aviation Regulations without a certificate of waiver within 12 months immediately preceding January 1, 1966; and if his record of operation either with or without the certificate of waiver has not disclosed any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals."

(Secs. 313(a), 307(c), 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421, 1427))

Issued in Washington, D.C., on December 6, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-13198; Filed, Dec. 7, 1965; 9:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56542]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Clearance of Serially Numbered Substantial Holders or Outer Containers

On September 15, 1965, there was published in the FEDERAL REGISTER a notice of proposed rulemaking setting forth proposed amendments to the Customs Regulations relating to the clearance of serially numbered substantial holders or outer containers. No adverse representations were received.

Accordingly, Part 10 of the Customs Regulations is amended in terms of the published proposal (with the addition of a delayed effective date as to the marking requirements) by inserting after § 10.41a a new § 10.41b reading as follows:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

(a) The holders and containers described in this section may be released without entry or the payment of duty, subject to the provisions of this section.

(b) In the case of serially numbered holders or containers of United States manufacture for which free clearance under item 800.00, Tariff Schedules of the United States, is claimed, the owner shall place thereon the following mark-

ings: (1) 800.00, unless the holder or container has permanently attached thereto the manufacturer's metal tag or plate showing, among other things, the name and address of the manufacturer who is located in the United States. (2) The name of the owner, either positioned as indicated in the example below, or elsewhere conspicuously shown on the holder or container. (3) The serial number assigned by the owner, which shall be one of consecutive numbers and not to be duplicated. For example: 800.00 * * * Zenda * * * 2468.

(c) In the case of serially numbered holders or containers of foreign manufacture for which free clearance under the second provision in item 808.00, Tariff Schedules of the United States, is claimed, the owner shall place thereon the following markings: (1) 808.00. (2) The district and port code numbers of the port of entry, the entry number, and the last two digits of the fiscal year of entry covering the importation of the holders and containers on which duty was paid. (3) The name of the owner, either positioned as indicated in the example below, or elsewhere conspicuously shown on the holder or container. (4) The serial number assigned by the owner, which shall be one of consecutive numbers and not to be duplicated. For example: 808.00 * * * 10–1–366–63 * * * Zenda * * * 2468.

(d) The prescribed markings shall be clear and conspicuous, that is, they shall appear on an exposed side of the holder or container in letters and figures of such size as to be readily discernible. The markings will be stricken out or removed when the holders or containers are taken out of service or when ownership is transferred, except that appropriate changes may be made if a new owner wishes to use the holders and containers under this procedure.

(e) The owner shall keep adequate records open to inspection by customs officers, which shall show the current status of the serially numbered holders and containers in service and the disposition made of such holders and containers taken out of service.

(f) Nothing in this procedure shall be deemed to affect:

(1) The requirements for outward or inward manifesting of such holders or containers. The manifests will show for each holder or container its markings as provided for herein.

(2) The requirements of the Department of Commerce on exportation with respect to the filing of "Shipper's Export Declaration," Form 7525–V.

(3) The treatment of articles covered herein under the coastwise laws of the United States, with particular reference to section 883, Title 46, United States Code.

(g) If the holder or container and its contents are to move in bond from the port of arrival intact, the holder or container should appear on the inward foreign manifest so as to be related to the cargo contained therein. The holder or container and its contents will be cleared under this procedure at a subsequent port. If the holder or container is to move from the port of arrival not intact with its contents, the holder or container may appear on the inward foreign manifest separate from and not related to the cargo contained therein. The container will be cleared under this procedure at the port of arrival before it moves forward and will not appear on the inbond documents.

(h) A bond in the form set forth below will be filed with the collector of customs in the amount of $10,000. The bond will remain in force for a continuous period. The bond will be conditioned that upon a violation of the requirements of item 800.00 or 808.00, Tariff Schedules of the United States, or of these regulations, the owner will be liable for the payment of liquidated damages equal to the domestic value of the holder or container established in accordance with section 606, Tariff Act of 1930.

BOND FOR THE CONTROL OF IDENTIFIED SHIPPING CONTAINERS

Know all men by these presents that [1] _____ of _____, as principal, and [1] _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the above-bounden principal in the conduct of its domestic and international business expects to bring in and take out at a port or ports of entry, lift vans, cargo vans, shipping tanks, skids, pallets, and similar substantial holders or outer containers of United States or foreign manufacture, classifiable under item 800.00 or item 808.00, Tariff Schedules of the United States, and which have been serially numbered; and

Whereas, the above-bounden principal agrees that such holders or containers for which free release is claimed under item 800.00, Tariff Schedules of the United States, will not be advanced in value or improved in condition while they are abroad and that no drawback will be (or has been) claimed on their exportation, and that in the case of holders and containers for which free release under the second provision in item 808.00 is claimed the conditions required by that provision, including the initial duty payment, will be complied with; and

Whereas, the above-bounden principal agrees to mark such holders or containers in the manner prescribed by the Bureau of Customs and to keep adequate records, open to inspection by customs officers, showing current status of the holders and containers in service and the disposition made of holders and containers taken out of service.

Now, therefore, the condition of this obligation is such that—

(1) If the serially numbered lift vans, cargo vans, shipping tanks, skids, pallets, and other substantial holders or outer containers of United States manufacture for which free release is claimed under item 800.00, Tariff Schedules of the United States, are not advanced in value or improved in condition while they are abroad and no drawback is (or has been) claimed on their exportation, and if in the case of such holders or containers of foreign manufacture for which free release is claimed under the second provision of item 808.00, Tariff Schedules of the United States, the provisions of that item are complied with;

(2) If the above-bounden principal marks such holders or containers in the manner prescribed by the Bureau of Customs and keeps adequate records, open to inspection by customs officers, showing the current status of the holders and containers in service and the disposition made of holders and containers taken out of service;

(3) If the above-bounden principal strikes out or removes the markings from holders and containers when they are taken from service or when ownership is being transferred;

Then this obligation shall be void; otherwise it shall remain in full force and effect for the payment of liquidated damages in an amount equal to the domestic value of the article established in accordance with section 606, Tariff Act of 1930, not exceeding the sum named in this obligation, for any breach or breaches thereof.

Signed, sealed, and delivered in the presence of—

_____
(Name) (Address)

_____
(Name) (Address)
_____ (SEAL)
(Principal)

_____
(Name) (Address)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

_____
(Name) (Address)

_____
(Name) (Address)
_____ (SEAL)
(Surety)

[1] If the principal or surety is a corporation, the name of the State in which incorporated also should be shown.

(77A Stat. 409, sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1202 (Sch. 8, pt. 1C, hdnote. 3(a)), 1623)

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

This amendment relieves restrictions and is within the exception of section 4(c) of the Administrative Procedure Act as to effective date requirements. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER except that, with respect to the required marking of holders and containers which were covered by a bond filed with a collector of customs before the date of publication of this amendment and marked in accordance with instructions then in effect, the effective date shall be June 30, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: November 30, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[FR. Doc. 65-13108; Filed, Dec. 7, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Department of Housing and Urban Development

PART 3—URBAN RENEWAL

The regulations governing the making of relocation payments under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), published under Part 3 of Subtitle A of Title 24 of the Code of Federal Regulations (first issued as of October 8, 1956, 21 F.R. 9991, Dec. 15, 1956, and amended at 22 F.R. 1980, Mar. 26, 1957; 22 F.R. 9937, Dec. 12, 1957; 23 F.R. 750, Feb. 5, 1958; 23 F.R. 1723, Mar. 13, 1958; 23 F.R. 5723, July 30, 1958; 23 F.R. 6595, Aug. 26, 1958; 23 F.R. 10531, Dec. 31, 1958; 24 F.R. 8604, Oct. 23, 1959; 26 F.R. 5712, June 27, 1961; 26 F.R. 7826, Aug. 23, 1961; 27 F.R. 7677, Aug. 3, 1962, corrected at 27 F.R. 7876, Aug. 9, 1962; 28 F.R. 588, Jan. 23, 1963, corrected at 28 F.R. 692, Jan. 25, 1963; 30 F.R. 439, Jan. 13, 1965; 30 F.R. 4715, Apr. 13, 1965; 30 F.R. 10027, Aug. 12, 1965), are hereby amended to include the regulations governing the making of relocation payments under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074) and otherwise revised to read as follows:

Subpart A—[Reserved]

Subpart B—Relocation Payments

AUTHORITY: The provisions of this Part 3 issued under sec. 502, 62 Stat. 1283, as amended, sec. 114(d), 78 Stat. 789, sec. 404, 79 Stat. 486; 12 U.S.C. 1701c, 42 U.S.C. 1465 (d), 3074.

Subpart A [Reserved]

Subpart B—Relocation Payments

§ 3.100 Statement of applicable law.

Section 305 of the Housing Act of 1956 (70 Stat. 1100, 42 U.S.C. 1456) amended Title I of the Housing Act of 1949, as amended, by adding a new section 106(f), which provided that Title I urban renewal projects may include the making of relocation payments subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Section 106(f) was amended by section 304 of the Housing Act of 1957 (71 Stat. 300), section 409 of the Housing Act of 1959 (73 Stat. 673), and section 304 of the Housing Act of 1961 (75 Stat. 167). Section 310 of the Housing Act of 1964 amended Title I by adding a new section 114 (78 Stat. 788, 42 U.S.C. 1465) and incorporated therein, with additional provisions, the former section 106(f) of Title I, which was repealed (42 U.S.C. 1456 (s)). Section 311(a) of the Housing and Urban Development Act of 1965 amended Title I by adding a new section 117 (79 Stat. 478, 42 U.S.C. 1468) providing for grants for programs of concentrated code enforcement and providing that the provisions of section 114 of Title I shall be applicable to such programs. Section 404(a) of the Housing and Urban Development Act of 1965 (79 Stat. 486, 42 U.S.C. 3074) provides that the provisions of section 114 of Title I shall be applicable to all programs under Title I; by virtue of such section 404(a), the provisions of section 114 of Title I are applicable to contracts for grants for the demolition of structures which are structurally unsound or unfit for human habitation. Authority to issue regulations is included in the delegation to the Urban Renewal Commissioner and Regional Administrators, as amended, republished at 25 F.R. 9874, October 14, 1960, as amended. Such delegation of authority is continued in full force and effect by section 9(c) of the Department of Housing and Urban Development Act (79 Stat. 671, 5 U.S.C. 624 note).

§ 3.101 Definitions.

For the purpose of the regulations in this subpart, the following terms shall mean:

(a) *Actual direct loss of property.* Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the site occupant by reason of the disposition or abandonment of the property resulting from the site occupant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) *Agency.* (1) In an urban renewal area, the LPA, or (2) in a code enforcement area or demolition grant area, the code agency.

(c) *Business concern.* A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institution.

(d) *Code agency.* A city, other municipality, or county authorized to engage in code enforcement activities in the locality.

(e) *Code enforcement.* Structural or other substantial repairs to, or alterations of, any building or other improvement on land, the demolition of any building or improvement, or a reduction in the number of occupants of, or any other change in the use of, any parcel of real property, pursuant to the requirements of, or to comply with a notice by a municipality of enforcement of, a zoning, building, or other municipal code or ordinance.

(f) *Code enforcement area.* An area which HUD has approved under section 117 of Title I for a program of concentrated code enforcement and public improvements.

(g) *Demolition grant area.* An area which HUD has approved under section 116 of Title I for a program of demolition of structures which are structurally unsound or unfit for human habitation.

(h) *Family.* Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(i) *Federal financial assistance contract.* (1) A contract for a loan, a grant, or a loan and grant, between the Federal Government and the LPA for an urban renewal project, executed on or after August 7, 1956; or

(2) A contract for a grant for a program of concentrated code enforcement and public improvements between the Federal Government and the code agency; or

(3) A contract for a grant for the demolition of unsafe structures between the Federal Government and the code agency;

whichever is pertinent in the context.

(j) *HUD.* (1) Prior to November 9, 1965, the Housing and Home Finance Administrator; or (2) on and after November 9, 1965, the Housing and Home Finance Administrator in the Department of Housing and Urban Development pending appointment of the Secretary of Housing and Urban Development, and thereafter the Secretary of Housing and Urban Development; or (3) an employee duly authorized to perform the functions of such Administrator or Secretary.

(k) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement.

(l) *LPA.* A Local Public Agency authorized to undertake an urban renewal project being assisted under Title I.

(m) *Moving expenses*—(1) *Individuals and families.* Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns.* Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

(n) *Property.* Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property,

but including such items of real property as the site occupant may lawfully remove.

(o) *Public body.* A State, county, municipality, or other political subdivision, or an authority or agency which is a public legal entity.

(p) *Relocation payment.* A payment by an Agency:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual, for relocation adjustment (relocation adjustment payment); or

(5) To an individual, family, or business concern for settlement costs (for which reimbursement or compensation is not otherwise made).

(q) *Settlement costs.* (1) Recording fees, transfer taxes, and similar expenses incidental to conveying real property to the Agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the Agency, whichever is earlier.

(r) *Site occupant.* A family, individual, or business concern, as defined above.

(s) *Small business concern.* A business concern (other than a nonprofit organization) which in the 2 tax years immediately preceding its displacement (or, if not in business that long, such lesser period as may be approved by HUD) had average annual gross receipts or sales in excess of $1,500, but average annual net earnings before income taxes of less than $10,000. Earnings for the purpose of this paragraph (s) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him, or, in the case of a corporation, the principal stockholders as determined by HUD.

(t) *Title I.* Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.).

(u) *Urban renewal area.* An area which HUD has approved for an urban renewal project.

(v) *Urban renewal plan.* A duly approved plan, as it exists from time to time, for an urban renewal project.

(w) *Urban renewal project.* Undertakings and activities of an LPA in an urban renewal area for the elimination and prevention of the development or spread of slums or blight as defined in Title I.

(x) *Voluntary rehabilitation.* Structural or other substantial repairs to, or alterations of, any building or other improvement on land within an urban renewal area, undertaken by an owner of any interest in such real property, in order to conform to the property rehabilitation standards set forth in the urban renewal plan.

§ 3.102 Relocation payments by the Agency.

The Agency shall make relocation payments to or on behalf of eligible site occupants in accordance with and to the full extent permitted by the regulations in this subpart: *Provided,* That for each Federal financial assistance contract the LPA may elect whether to make payments for moving expenses in excess of $25,000 in accordance with § 3.109(a)(2).

§ 3.103 Basic eligibility conditions—displacement from an urban renewal area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses and actual direct loss of property incurred on or after August 7, 1956, and settlement costs incurred on or after August 10, 1965, if the displacement of the site occupant is:

(1) From real property within the urban renewal area, on or after the date of execution of the pertinent Federal financial assistance contract, or the date of HUD approval of a budget for project execution activities resulting in the displacement (provided that in the latter case a Federal financial assistance contract for such contemplated project is thereafter executed); and

(2) Made necessary by (i) the acquisition of such real property by the LPA, or any other public body, or (ii) code enforcement activities undertaken in connection with the urban renewal project, or (iii), a program of voluntary rehabilitation of buildings or other improvements in accordance with the urban renewal plan, as further defined in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by acquisition.* A site occupant of the property on the date of execution of a Federal financial assistance contract (or HUD concurrence, prior to its approval of an Application for Loan and Grant, in the commencement of a project execution activity) which contemplates acquisition of the property, regardless of when or if such acquisition takes place, and a site occupant of the property at the time of its acquisition may be deemed displaced by the acquisition upon vacating the property. For this purpose, acquisition means the obtaining by the LPA or other public body of title to, or the right to possession of, the real property. This paragraph (b) shall apply to a site occupant displaced on or after January 27, 1964, but shall not affect adversely, in the case of a site occupant displaced prior to January 13, 1965, eligibility established in accordance with regulations in effect at the time of the site occupant's displacement.

(c) *Displacement made necessary by code enforcement or voluntary rehabilitation.* The vacating by the site occupant of the real property after the happening of any of the following events shall be deemed to be a displacement from the urban renewal area made necessary by code enforcement or voluntary rehabilitation, as the case may be:

(1) In the case of voluntary rehabilitation, the commencement of, or notice by the owner of the real property of the commencement of, voluntary rehabilitation of the building or other improvement, or the part thereof, occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(2) In the case of code enforcement, the commencement of, or notice by the code agency of, code enforcement, with respect to the real property, or the part thereof, occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(3) In the case of either voluntary rehabilitation or code enforcement, an increase, or a notice of increase, in rent for the rent period involved amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided,* That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the LPA for displacees' ability to pay.

(d) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is displaced on or after January 27, 1964;

(2) Is not part of an enterprise having two or more establishments outside the urban renewal area;

(3) Has filed with the Internal Revenue Service an income tax return for the 2 tax years immediately preceding its displacement (or, if not in business that long, a tax return for such lesser period as may be approved by HUD); or has furnished such other evidence of earnings as may be approved by HUD; and

(4) Was doing business in the urban renewal area on the date of the approval by the governing body of the locality of an urban renewal plan: *Provided,* That if the displacement occurs pursuant to a Federal financial assistance contract in accordance with the third sentence of section 102(a) of Title I (Early Land Acquisition Loan), the applicable date shall be the date of the approval by the governing body of the locality of an application for such contract, and if the displacement occurs pursuant to HUD approval of a budget for project execution activities, the applicable date shall be the date of the resolution by the LPA requesting HUD approval of such project execution activities.

(e) *Outdoor advertising display.* A business concern which is not displaced from an urban renewal area shall be eligible for a relocation payment for moving expenses incurred on or after September 2, 1964, with respect to its out-

door advertising displays required in the determination of the LPA to be removed from the urban renewal area.

(f) *Temporary on-site moves.* No relocation payment shall be made to a site occupant for a temporary move within the urban renewal area.

§ 3.103a Basic eligibility conditions—displacement from a code enforcement area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses, actual direct loss of property, and settlement costs if the displacement is:

(1) From real property within the code enforcement area, on or after the date of execution of a Federal financial assistance contract or the date of HUD approval of a budget for a program of concentrated code enforcement (provided that in the latter case a Federal financial assistance contract is thereafter executed for the area); and

(2) Made necessary by (i) code enforcement activities, or (ii) the acquisition of real property by the code agency or any other public body in connection with a federally assisted program of concentrated code enforcement and public improvements, as further defined in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by code enforcement.* The displacement of a site occupant from a code enforcement area is deemed made necessary by code enforcement if the vacation of the real property occurs on or after the commencement of code enforcement, or notice by the code agency that code enforcement will be required, with respect to the real property occupied by the site occupant under either of the following circumstances:

(1) The code enforcement cannot reasonably be undertaken without the vacation of the real property by the site occupant and the code agency so determines in accordance with § 3.104(e)(2); or

(2) In the case of a tenant, the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the code agency for displacees' ability to pay.

(c) *Displacement made necessary by acquisition.* The displacement of a site occupant from a code enforcement area is deemed made necessary by acquisition if the vacation of the real property occurs after the code agency or other public body acquiring legal or equitable title or the right to possession has ordered the site occupant to vacate the real property.

(d) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the code enforcement area;

(2) Satisfies the requirements of § 3.103(f)(3) governing evidence of earnings; and

(3) Was doing business in the code enforcement area on the date of the approval by the code agency of an application for a Federal financial assistance contract for the area.

(e) *Outdoor advertising display.* A business concern which is not displaced from a code enforcement area shall be eligible for a relocation payment for moving expenses with respect to its outdoor advertising displays required in the determination of the code agency to be removed from the code enforcement area by the acquisition of real property in connection with a Federally assisted program of concentrated code enforcement and public improvements.

§ 3.103b Basic eligibility conditions—displacement from a demolition grant area.

(a) *Displacement.* A site occupant is eligible for a relocation payment for moving expenses and actual direct loss of property if the vacation of the real property within a demolition grant area occurs on or after (1) the date of execution of a Federal financial assistance contract, or the date of HUD approval of an application for a demolition grant (provided that in the latter case a Federal financial assistance contract is thereafter executed for the area); and (2) order by the code agency to vacate and demolish the real property.

(b) *Small business displacement payment.* A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the demolition grant area;

(2) Satisfies the requirements of § 3.103(f)(3) governing evidence of earnings; and

(3) Was doing business in the demolition grant area on the date of the approval by the code agency of an application for a Federal financial assistance contract for the area.

§ 3.103c Eligibility—relocation adjustment payment.

A family or elderly individual who satisfies the eligibility conditions of § 3.103(a) (displacement from an urban renewal area), § 3.103a(a) (displacement from a code enforcement area), or § 3.103b(a) (displacement from a demolition grant area), is eligible for a relocation adjustment payment if the site occupant:

(a) Is unable to secure a suitable dwelling unit in (1) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes), or (2) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a));

(b) Has moved to a decent, safe, and sanitary dwelling; and

(c) In the case of displacement from an urban renewal area, is displaced on or after January 27, 1964.

§ 3.103d Notice of intention to move.

Except as provided in this § 3.103d, no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless (a) the Agency has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition, and (b) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the Agency of such property at the site from which the business concern is displaced. For the purpose of this § 3.103d, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The Agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the Agency has determined that there was reasonable cause for the failure of the business concern to give such notice, and the Agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

§ 3.104 Administration of relocation payments program.

(a) *Conditions for relocation payment.* The Agency (or, if the Agency is the municipality, the board or commission responsible for carrying out the Federally assisted activities or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule (Form H-6148) of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments in accordance with § 3.109(b)(2), any schedule (Form H-6142) of fixed payments to be paid in accordance with § 3.105, and any other conditions under which the Agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to site occupants in the relocation office of the Agency.

(b) *Notice to site occupants.* The Agency shall furnish all site occupants, who occupy property within an urban renewal area (or the area of the Federally assisted activities) and who are anticipated to be displaced, with a notice or informational statement advising the site occupant of (1) the availability of relocation payments to eligible site occupants, and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The Agency is initially responsible for determining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination

on each claim shall be made or approved either by the governing body of the Agency or by the principal executive officer of the Agency or his duly authorized designee. The determination, or any redetermination by any duly designated officer or agency, shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the Agency may permit a third-party contractor responsible for relocation activities to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the Agency.

(d) *Prompt payment.* A relocation payment shall be made by the Agency as promptly as possible after a site occupant's eligibility has been determined in accordance with the regulations in this subpart: *Provided*, That a relocation adjustment payment shall be made during the first 5 months after the Agency has determined the eligibility of the claimant.

(e) *Certain determinations.* (1) No claim based upon acquisition of real property by a public body other than the Agency shall be approved unless the Agency shall have determined that the claimant was displaced by the acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (i) when it acquired or proposes to acquire the property occupied by the claimant, and (ii) whether it compensated or has agreed to compensate the claimant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(2) No claim based upon code enforcement or voluntary rehabilitation shall be approved unless the Agency shall have determined that the claimant was displaced by such activities. The determination shall be supported by a statement by the Agency giving the factual basis on which the determination was made.

(f) *Agency setoff against claim.* The Agency may set off against the claim of an otherwise eligible site occupant any financial claim the Agency may have against the site occupant arising out of the use of the real property.

(g) *Approval by HUD—business concerns.* No relocation payment for moving expenses or settlement costs, or both, in excess of $10,000 shall be made without approval by HUD.

(h) *Reimbursement of relocation payments.* Relocation payments made in accordance with the regulations in this subpart and pursuant to a Federal financial assistance contract are reimbursable in full to the Agency as a Title I grant.

(i) *Accounts and records.* Accounts and records shall be maintained as prescribed by HUD and shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the Agency for not less than 3 years after the completion of the urban renewal project or the other Federally assisted activities.

§ 3.105 Fixed relocation payments to individuals and families.

(a) *Schedule of fixed payments.* An Agency intending to pay fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct loss of property of eligible individuals and families shall prepare a schedule of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the Agency intends to permit eligible individuals and families to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied by the claimant except bathrooms, hallways, and closets, which payments shall not exceed the lowest normal charge for carting expenses for the average time required to move personal effects: *Provided*, That in any event the payments shall not exceed the maximum reimbursement to eligible individuals or families provided in the regulations in this subpart.

(2) Fixed payments to eligible individuals or families not owning furniture shall not exceed: (i) $5 for any individual, (ii) $10 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit at the project site move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the Agency) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

§ 3.106 Determining moving expenses of business concern.

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of $500 shall be allowed for costs incurred by a business concern on or after April 1, 1965, unless the concern has submitted to the Agency, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the Agency has approved the justification. The Agency, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

§ 3.107 Determining actual direct loss of property.

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by the claimant by an appraisal satisfactory to the Agency, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation cost), multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal, by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the Agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be deemed the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property. Expenses of sale include such items as sale commissions, auctioneer's fees, advertising costs, and similar charges.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) Cost of appraisals: The cost of appraisals to determine actual direct loss of property, if made by or in behalf of the claimant, is not allowable as part of a claim.

§ 3.108 Filing of claims.

(a) *Form of claim.* To obtain a relocation payment, a site occupant shall

file a written claim with the Agency on the appropriate HUD forms.

(b) *Documentation in support of claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the Agency, the site occupant, and the mover, confirmed in writing by the Agency, the claimant may present an unpaid moving bill to the Agency, and the Agency may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the Agency, which may include income tax returns, withholding or informational statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Agency within a period of 6 months after the displacement of the claimant. A claim for a relocation adjustment payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred.

(1) *Displacement prior to January 13, 1965.* Notwithstanding the first two sentences of the introductory text of this paragraph (c), a claim for a relocation adjustment payment or for a small business displacement payment by a claimant displaced from an urban renewal area on or after January 27, 1964, and prior to January 13, 1965, shall be submitted within a period of 60 days of the last published or other notice by the LPA of the availability of such payments.

(2) *Waivers.* The time limitations in this paragraph (c) may be waived by the Agency for good cause, with HUD concurrence, in the case of a claimant displaced on or after January 27, 1964.

§ 3.109 Limitations on amount of relocation payments.

(a) *Moving expenses and loss of property—(1) Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall not exceed $100 with respect to moving expenses incurred and actual direct loss of property suffered prior to September 23, 1959, and $200 with respect to such expenses incurred and loss suffered on or after September 23, 1959. The maximum relocation payment that many be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to two or more unrelated individuals occupying the same dwelling unit shall not exceed $200.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed $2,000 with respect to moving expenses incurred or direct loss of property suffered prior to July 12, 1957, or $2,500 with respect to moving expenses incurred or direct loss of property suffered between July 12, 1957, and September 22, 1959, both dates inclusive, or $3,000 with respect to moving expenses incurred or direct loss of property suffered on or after September 23, 1959. If the total of the actual moving expenses incurred on or after June 30, 1961, and prior to October 2, 1962, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses. If the total of the actual moving expenses incurred on or after October 2, 1962, and prior to August 12, 1965, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses or $25,000, whichever is less. If the total of the actual moving expenses incurred on or after August 12, 1965, is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement or compensation is not otherwise made, shall be the sum of:

(i) The total actual moving expenses or $25,000, whichever is less; and

(ii) In the case of projects on a two-thirds capital grant basis, two-thirds of the actual moving expenses in excess of $25,000: *Provided*, That the Agency makes a cash payment to the business concern out of local funds in an amount equal to one-third of the actual moving expenses in excess of $25,000, which payment shall not constitute a local grant-in-aid to the urban renewal project or any portion of the local share of the cost of the Federally assisted activities required by Title I; or

(iii) In the case of projects on a three-fourths capital grant basis, three-fourths of the actual moving expenses in excess of $25,000: *Provided*, That the Agency makes a cash payment to the business concern out of local funds in an amount equal to one-fourth of the actual moving expenses in excess of $25,000, which payment shall not constitute a local grant-in-aid to the urban renewal project or any portion of the local share of the cost of the Federally assisted activities required by Title I.

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town, or village, as the case may be, in which the Federally assisted activities are carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Small business displacement and relocation adjustment—(1) Fixed amount—small business displacement.* A small business displacement payment shall be $1,500 for business concerns displaced prior to August 10, 1965, and $2,500 for business concerns displaced on or after August 10, 1965.

(2) *Maximum amount—relocation adjustment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed $500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the Federally assisted activities are carried out or in other areas not generally less desirable in regard to public utilities and public and commercial facilities), as determined by the Agency.

§ 3.110 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses, actual direct loss of property, or settlement costs, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 3.109: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

Effective as of the 8th day of December 1965.

WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 65-13138; Filed, Dec. 7, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 65-54]

PART 82—BOUNDARY LINES OF INLAND WATERS

PART 85—INTERPRETIVE RULINGS—INTERNATIONAL RULES

Miscellaneous Amendments

The description of the boundary line between inland waters and the high seas

at Christiansted Harbor, Island of St. Croix, Virgin Islands, in 33 CFR 82.240 is amended because the reference points used have been changed. The name of the "Scotch Bank Lighted Buoy 1" has been officially changed to "Christiansted Harbor Channel Lighted Buoy 1" and the "Long Reef Range Rear Daybeacon" has been removed. The amendments to 33 CFR 85.01–1 and 85.05–1 bring references to laws up to date. The amendment to 33 CFR 85.01–5 corrects the date of a Treasury Department Order. As these changes are editorial to bring the regulations up to date, as published in the FEDERAL REGISTER, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon and effective date requirements) are unnecessary under provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by section 633, Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) and 167–17 dated June 29, 1955 (20 F.R. 4976), the following amendments are prescribed and shall become effective upon the date of publication in the FEDERAL REGISTER:

1. Section 82.240 is amended to read as follows:

§ 82.240 Christiansted Harbor, Island of St. Croix, Virgin Islands.

A line drawn from Shoy Point to Christiansted Harbor Channel Lighted Buoy 1; thence to stack at Little Princess northwestward of leper settlement.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

§ 85.01–1 [Amended]

2. Section 85.01–1 *Scope* is amended by changing at the end thereof the reference from "Act of October 11, 1951 (65 Stat. 406–420; 33 U.S.C. 143–147d)" to "Act of September 24, 1963 (77 Stat. 195–210; 33 U.S.C. 1061–1094)."

§ 85.01–5 [Amended]

3. Section 85.01–5 *Assignment of functions* is amended by changing the date of Treasury Department Order 167–17 from "June 25, 1955" to "June 29, 1955."

§ 85.05–1 [Amended]

4. Section 85.05–1 *Stern light for motorboats operating on the high seas carried on centerline* is amended by changing the reference for Rule 10 of the "International Rules" from "(33 U.S.C. 145h)" to "(33 U.S.C. 1070)."

(Sec. 3, 60 Stat. 239 and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521 and 167–17, June 29, 1955, 20 F.R. 4976)

Dated: December 1, 1965.

[SEAL] E. J. ROLAND,
Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 65–13109; Filed, Dec. 7, 1965; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Galveston Harbor, Tex., and St. Andrew Bay, Fla.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.197 governing the use and navigation of anchorage areas in Galveston Harbor, Tex., is hereby revoked, effective upon publication in the FEDERAL REGISTER.

§ 202.197 Galveston Harbor, Tex.

[Revoked]

[Regs., Nov. 22, 1965, 1507–32 (Galveston Harbor, Tex.)–ENGCW–ON] (sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended by revoking paragraph (i)(9) governing the operation of the Dupont Bridge across St. Andrew Bay (East Bay), Fla., effective upon publication in the FEDERAL REGISTER, since the bridge has been replaced by a new bridge, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(9) St. Andrew Bay (East Bay), Fla.; State Road Department of Florida bridge (DuPont Bridge) on U.S. Highway 98 between San Blas and Long Point. [Revoked]

* * * * *

[Regs., Nov. 22, 1965, 1507–32 (St. Andrew Bay, Fla.)–ENGCW–ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–13087; Filed, Dec. 7, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15657; FCC 65–1087]

PART 15—RADIO FREQUENCY DEVICES

Further Order To Stay Effective Date of Certain Provision

In the matter of amendment of Part 15 of the Commission's rules, to provide for the operation of radio controls for door operators; Docket No. 15657, RM–524.

1. Paragraph (a)(6) of § 15.211, which prohibits radiation from radio controls for door openers on the aeronautical safety and radionavigation frequencies, was adopted by a First Report and Order in Docket 15657 on July 21, 1965, to become effective on September 7, 1965 (30 F.R. 9315, July 27, 1965). The effective date of this section with respect to equipment installed prior to September 7, 1965, was stayed to December 7, 1965, by an Order adopted August 31, 1965, (30 F.R. 11354, Sept. 4, 1965) in order to permit the holding of a Government-industry conference of the parties principally concerned.

2. A technical conference covering this matter was held on October 11, 1965. At this conference, a test program was laid out to make further measurements of radiation from the devices under consideration and of the effect of such radiation on aircraft receivers. Work on this test program has started but will not be completed by December 7, 1965.

3. Notwithstanding the Stay Order, the Commission's field engineers are continuing their efforts to reduce this hazard to air safety. Any control radiating an excessive amount of RF energy in the frequency bands involved is considered to be endangering aeronautical safety communications and radionavigation and as such, to be causing harmful interference. Such controls, wherever found, are required to stop operating until the harmful interference condition is eliminated.[1]

4. *It is, therefore, ordered,* That, paragraph (a)(6) of § 15.211 be stayed for a further period of 3 months ending March 7, 1966, insofar as it applies to equipment installed prior to September 7, 1965.

5. This Order is issued pursuant to authority contained in sections 4(i) and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 405, 48 Stat. 1066, 1095, as amended; 47 U.S.C. 154, 405)

Adopted: December 3, 1965.

Released: December 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–13134; Filed, Dec. 7, 1965; 8:48 a.m.]

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[1] Section 15.222 provides that a low power communication device (which includes a radio control for a door opener) which causes harmful interference shall promptly stop operating until the harmful interference has been eliminated.

Section 15.4(b) defines harmful interference as any emission, radiation * * * which endangers the functioning of a radionavigation service, or any other safety service * * *.

[2] Commissioner Lee absent; Commissioner Loevinger's concurring statement filed as part of original document.